

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Office Action mailed on January 23, 2004. Prior to the submission of this Amendment, Claims 1-8 were pending in the Application, and Claims 3-5 stood rejected. In view of the fact that the election requirement of September 26, 2003 was made final, Applicants have canceled Claims 1, 2, and 6-8 without prejudice and disclaimer. In addition, by the present Amendment, Claim 5 is amended, new Claims 9-15 are submitted, and Claim 4 is cancelled without prejudice or disclaimer.

Claims 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Holst, et al.(U.S. Patent No. 5,955,037, hereinafter "Holst") in view of Richards (U.S. Patent No. 6,156,098, hereinafter "Richards").

Applicants thank the Examiner for the courtesy of an interview extended to Applicants' representative on April 20, 2004. During the interview, Amendments to the claims as herein presented were proposed, and arguments as hereinafter developed were presented. As acknowledge in the outstanding Office Action, Holst does not teach or disclose the claimed feature of an introduction piping being electrically grounded. In fact, as discussed during the personal interview, Holst is silent about any problems or needs dealing with static discharges, thus Applicants' position that there was no motivation to combine Holst and Richards.

In view of the personal interview, an agreement was reached, as summarized in the personal interview summary (PTOL-413) that "[a]ttention was brought to the type of scrubbers in both Holst and Richards. Additionally, the motivation for combining the reference based on the similarity of operation of the scrubbers in both references. In

particular,...Holst did [n]either teach static discharge [n]or [provided a] motivation for combining [with a reference disclosing such a feature]. Applicant's representative proposed submission of method claims. The Examiner stated that the submission of method claims would have to be constructively elected (by original representation)."

Claim 4 has been cancelled by the present amendment. In addition, based on the results of the personal interview and the lack of motivation to combine Holst and Richard, Applicants respectfully submit that the above-summarized obviousness rejection of Claims 3 and 5 is now moot. Applicants respectfully request a withdrawal of the outstanding rejection of Claims 3 and 5.

Applicants have submitted by the present amendment new Claims 9-15. Claim 9 recites that the cleaning apparatus is wet absorptive, which is self evident from the originally filed claims and figures in the specification. Claim 10 recites detecting means to sample the exhaust gases and detecting or measuring the concentration of oxygen therein. This subject matter was originally disclosed on page 14, lines 20-27 of the specification. Claims 11 and 12 recite elements used for the electroconductive material and are supported by the subject matter originally recited in Claim 4, now canceled. Claims 13-15 recite specific volume resistivity for the electroconductive corrosion-resistant material. Support for the subject matter recited in Claims 13-15 is found on page 11, lines 10-13 and on page 18, lines 1-2 of the specification, respectively.

The new dependent claims patently distinguish over Holst and Richard at least in view of their dependency on Claim 3, which reads over these two references. In addition, at least Claims 10, and 12-15 patently distinguish over Holst and Richard independently of their dependency on Claim 3 based on the fact that both references do not teach or disclose the features recited therein.

Application No. 10/022,771  
Reply to Office Action of January 23, 2004

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 3, 5, and 9-15 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Gregory J. Maier  
Registration No. 25,599  
Robert T. Pous  
Registration No. 29,099  
Attorneys of Record

Customer Number  
**22850**  
Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

I:\ATTY\MQM\21's\217384US\AM.DOC